

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION No. 13848 of 2005**

Between:

1 C.Varamma, W/o.Chinna Mala Kondaiah,  
R/o.Vengala Puram Village,

Lingasamudram Mandal, Prakasam district.

2 P.Laxmamma, W/o.Laxmaiah,  
R/o.Vengala Puram Village,

Lingasamudram Mandal, Prakasam district.

**..... PETITIONERS**

AND

1 The Revenue Divisional Officer, Kandukur,

Prakasam district.

2 The Mandal Revenue Officer,

Linga Samudram Mandal, Lingasamudram ,

Prakasam district.

3 The Sarpanch, Yarra Reddy Palem Gram Panchayat,

Yarra Reddy Palem Village,

Linga Samudram Mandal, Lingasamudram ,

Prakasam district.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of writ of mandamus, 1). Declaring the action of the respondents in encroaching into petitioners courtyards under the guise of laying road, instead of following the resolution dt.26-2-2005 passed by the Yarram reddy Palem Gram Panchayat scrupulously as illegal, arbitrary, against principles of natural justice and violative of Article 14, 21 and 32 of the Constitution of India and provisions AP

Land Acquisition Act. 2) Consequently direct the respondents not to encroach into petitioners courtyard in Plot No.4 & 5 of S.No.203 of Vengalapuram Village and lay the road as per the resolution dt.26-2-2005 passed by the Yarra Reddy Palem Gram Panchayat, scrupulously without any deviation. 3). and pass such other order orders.

**Counsel for the Petitioner: MR.K.VASUDEVA REDDY**

**Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE**

**Counsel for the Respondent No.3: MR M.PRABHAKAR RAO**

**The Court made the following:**

**ORDER:**

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Questioning the action of the respondents in proposing to lay 12 feet road instead of 16 feet parallel road as proposed in the resolution dated 26.02.2005, passed by the 3<sup>rd</sup> respondent Panchayat, the present writ petition is filed.

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 3<sup>rd</sup> respondent.

The petitioners are said to be the absolute owners of the property mentioned in the writ petition. The respondents, contrary to the resolution passed by the 3<sup>rd</sup> respondent Panchayat dated 26.02.2005, are proposing to lay road by encroaching the courtyards of the petitioners. Therefore, the petitioners are constrained to approach this Court by filing this writ petition.

The learned counsel for the petitioners contended that the respondents are not laying the road as per the resolution passed by the 3<sup>rd</sup> respondent Panchayat, dated 26.02.2005, and on the other hand, the respondents are proposing to lay road by encroaching the property of the petitioners. If that is the case of the petitioners, it has to be considered after recording the evidence, and this Court has no jurisdiction to entertain this writ petition under Article 226 of the Constitution.

The learned counsel for the petitioners made alternative submissions that the respondents are proposing to lay road on the property of the petitioners, without initiating any land acquisition proceedings. If that is the case of the petitioners, the respondents have to follow the guidelines enunciated by the Division Bench of this

Court in ***P.Lakshmana Rao v. Executive Officer case.***

On the other hand, the learned counsel for the 3<sup>rd</sup> respondent contended that on mere apprehension only, the petitioners filed this writ petition, and the respondents have not been taken any steps for laying the proposed road contrary to the resolution dated 26.02.2005.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for acquiring the property of the petitioners in the process of road widening, without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioners.

The Writ Petition is, accordingly, disposed of. No order as to costs.

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**ELIPE DHARMA RAO,J**

Dated: 30.06.2005

Dsr

**Note:**

**Issue operative portion by wire**

**at party's costs.**

**B/o**

**Dsr**

**ASSISTANT REGISTRAR**

To:

1. The Revenue Divisional Officer,  
Kandukur, Prakasham District

2. The Mandal Revenue Officer,  
Lingasamudram Mandal,  
Lingasamudram, Prakasham District

3. The Sarpanch,  
Yarra Reddy Palem Gram Panchayat,  
Yarra Reddy Palem village,  
Lingasamudram Mandal,  
Prakasham District

4. Two CCs to the Government Pleader for Revenue,  
High Court Buildings, Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**TRR**}*